

RESOLUTION NUMBER R- 312073

DATE OF FINAL PASSAGE DEC 03 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING UNNAMED ALLEY – RIGHT-OF-WAY VACATION NO. 1879511 (EDCO RECOVERY – PROJECT NO. 515674).

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public rights-of-way by City Council resolution; and

WHEREAS, EDCO Disposal Corporation (EDCO) filed an application to vacate an unnamed alley in subdivision of block 262, Guion's addition to San Diego, dedicated to the City of San Diego on Map No. 220, recorded on April 15, 1881, being described as Right-of-Way Vacation No. 1879511, in conjunction with their EDCO Recovery project, Project No. 515674 (Project); and

WHEREAS, Right-of-Way Vacation No. 1879511 is located on property owned by Del Properties, LP, the California Department of Transportation (Caltrans), Lewis H. Wise, and the City of San Diego; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of San Diego considered Public Right-of-Way Vacation No. 1879511, in conjunction with the Project, and pursuant to Resolution No. 4966-PC voted to recommend approval of the Project; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on December 3, 2018, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Right-of-Way Vacation No. 1879511, the Council finds that:

1. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

The project proposes to vacate an unnamed alley and expand an existing solid waste transfer and recovery facility from 29,550 to 60,680 square feet to increase the sorting and extraction of recyclable material collected from municipal solid waste and for the development of an anaerobic digester to create renewable natural gas. The 2.03-acre site is located within the Coastal Overlay Zone (Non-Appealable) at 3608-3698 Dalbergia Street in Subdistrict B of the Barrio Logan Planned District (BLPD-SUBD-B) within the Barrio Logan/Harbor 101 Community Plan area. The industrial use is consistent with the Barrio Logan/Harbor 101 community plan land use designation of Residential/Commercial/Industrial. The expansion requires vacating the unnamed alley adjacent to the east property line to accommodate a new loadout tunnel designed to allow transfer trucks to unload their solid waste commodities.

The alley was originally meant to serve the property/lots in the area as an access to Lots 1-22 and Lot 22A in addition to the access from Dalbergia Street, prior to the construction of Interstate 5 and development of the existing facility. Upon the acquisition of Lots 5 through 21 and 22A-B, Del Properties, LP kept the alley access intact due to that alley area not being needed for operational area. However, state mandates for Recycling/Transfer Facilities under Assembly Bill (AB) 341, AB 1826, and SB 1383 as well as the Zero Waste element in the City's Climate Action Plan to remove increased percentages of the solid waste material from public disposal sites require the expansion of the solid waste transfer and recovery facility. The alley only benefited EDCO and one other site on Una Street for access. EDCO and the Una Street property do not need access from the alley as access for these sites will be from Dalbergia Street and Una Street.

Within the alley there are existing utilities including a power pole, pole lighting, data lines, a gas supply line, a sanitary sewer line, and a storm drain line that service the adjacent Caltrans freeway right-of-way drainage. As a condition of the facility expansion and approval of the associated Tentative Map Waiver, sewer and San Diego Gas and Electric utilities within the alley will be relocated and/or removed accordingly, which will remove any need for the alley to access the utilities. Additionally, the public use, access, and circulation will no longer be needed as each adjacent alley north and south of the facility property has been vacated to the adjacent landowners due to the construction of Interstate 5, thus making this proposed public right-of-way vacation consistent with neighboring circulation plans and not used for travel. Therefore, there is no present or prospective public use for the public right-of-way, either for the public utilities for

which it was originally acquired or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improved use of the land made available by the vacation.

The public will benefit from the action through improved use of the land because allowing expansion of the EDCO facility will assist the City of San Diego in meeting the goals of AB 341, AB 1826, and SB 1383 as well as the Zero Waste element in the City's Climate Action Plan by 2040. Furthermore, the owners along the vacated alley will control, maintain, and be responsible for that portion of the alley. The City and the County of San Diego will benefit by the increase of property values due to the increase of EDCO's property and the adjacent privately-owned land, which will increase the property tax base. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

3. The vacation does not adversely affect any applicable land use plan.

The Barrio Logan/Harbor 101 Community Plan designates the site as Residential/Commercial/Industrial. The proposed expansion to the existing industrial use is consistent with the underlying land use designation, which allows for industrial uses. Additionally, the project site is within Subdistrict B of the Barrio Logan Planned District, which is the zone that implements the Community Plan. The proposed expansion is consistent with General Plan policy to maximize waste reduction and diversion by supporting the development of facilities that recycle materials. The proposed expansion is also consistent with the General Plan guidance to maintain an adequate variety of employment opportunities that contribute to a wide range of jobs for the City's residents.

The project is consistent with the Barrio Logan/Harbor 101 Community Plan policy guidance to improve the environmental and visual quality of industrial development and to control exterior noise, air pollution and dust. The transferring and sorting of recyclable material will be contained indoors, resulting in limited trash or dust exposure to the outside. Additionally, the operations of the anaerobic digester will take place within an enclosed area and will include ventilation systems and biofilter systems which would minimize outdoor odor. The proposed expansion is consistent with the Community Plan guidance that directs industrial development to provide buffer areas/improved landscaping such as through fencing and walls and parking orientation so that industrial uses do not detract from the visual quality to existing residential development. The project will be surrounded by a seven-foot screen wall along Dalbergia Street and Vesta Street with additional screening provided by evergreen trees and shrubs.

The project is consistent with the Community Plan recommendation to include a buffer area with improved landscaping along the north side of the project site where it is adjacent to Interstate 5. The proposed project includes an eight-foot wide landscape buffer, which would include evergreen trees and ground cover, to provide screening along the north side of the solid waste transfer and recovery facility. Therefore, the proposed development will not adversely affect the General Plan and the Barrio Logan/Harbor 101 Community Plan.

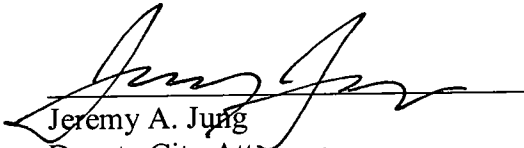
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The alley was originally meant to serve the property/lots in the area prior to the construction of Interstate 5 as an access to those lots. Upon the acquisition of Lots 5 through 21 and 22A-B, EDCO kept the alley access intact due to that alley area not being needed for operational area. However, state mandates of AB 341, AB 1826, and SB 1383 for Recycling/Transfer Facilities to remove increased percentages of the received materials necessitate expansion of the operational area, which requires the acquisition of the existing alley, Lots 2 (partial), 3, and 4. The project's Permit and Tentative Map Waiver conditions require the developer to landscape the east side of the acquired alley vacation, relocate or remove existing utilities within the alley, and fence the property. Additionally, as each adjacent alley north and south of the EDCO property has been vacated to the adjacent landowners due to the existence of Interstate 5, the proposed public right-of-way vacation will be consistent with the neighboring circulation plan and the alley will no longer be needed for public use, access, and circulation. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 1879511, as more particularly described in the legal description, marked as Exhibit "A," and shown on Drawing No. 39942-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

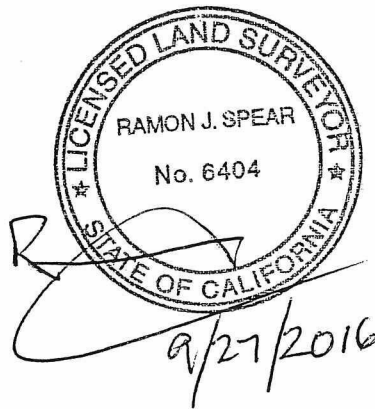
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Jeremy A. Jung
Deputy City Attorney

JAJ:nja
11/08/18
Or. Dept: DSD
Doc. No.: 1874313

EXHIBIT "A"
LEGAL DESCRIPTION
OF
ALLEY VACATION

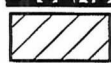
ALL THAT ALLEY ADJOINING LOTS 1 THROUGH 22, INCLUSIVE, BLOCK 262 OF GUION'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 220, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, **TOGETHER WITH** THE ALLEY ADJOINING LOTS "A" AND "B", BLOCK 262 OF ARLINGTON, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1638, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 25, 1914. VACATED.



I.O. NO.
P.T.S. NO.
DWG. NO.

EXHIBIT "B"

LEGEND



ALLEY IN SUBDIVISION OF BLOCK 262, GUION'S ADDITION TO SAN DIEGO, DEDICATED TO THE CITY OF SAN DIEGO ON MAP NO. 220, REC. APRIL 15, 1881 - VACATED.



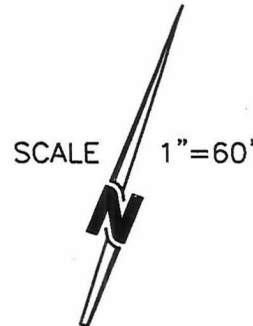
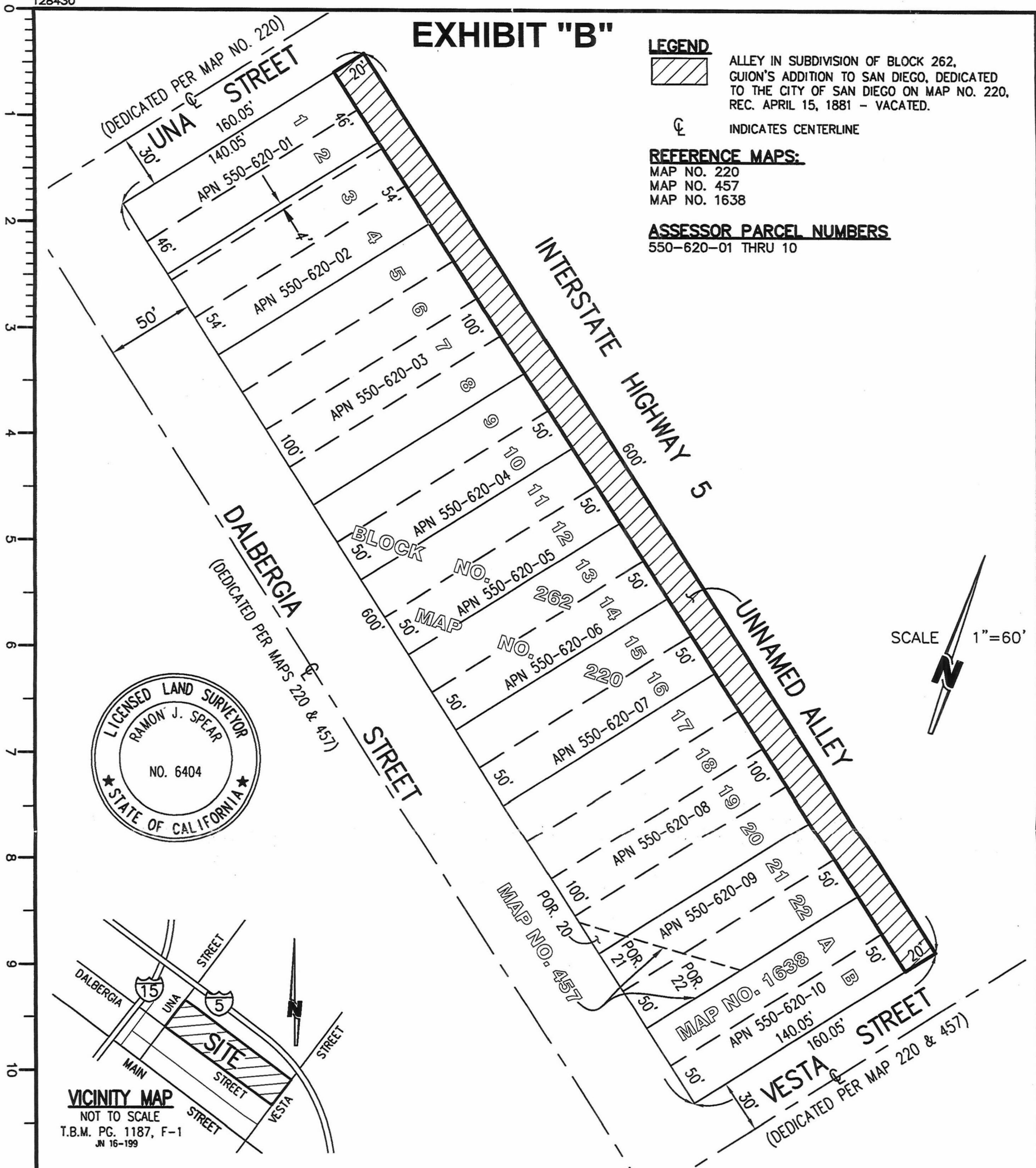
INDICATES CENTERLINE

REFERENCE MAPS:

MAP NO. 220
MAP NO. 457
MAP NO. 1638

ASSESSOR PARCEL NUMBERS

550-620-01 THRU 10



VICINITY MAP
NOT TO SCALE
T.B.M. PG. 1187, F-1
JN 16-199

SPEAR & ASSOCIATES, INC
CIVIL ENGINEERING AND LAND SURVEYING
475 PRODUCTION STREET, SAN MARCOS, CA. 92078
PHONE (760) 736-2040 FAX (760) 736-4866

BY:  2/3/2017
L.S. 6404 DATE

PUBLIC ALLEY RIGHT-OF-WAY VACATION BLOCK 262, GUION'S ADDITION TO SAN DIEGO, MAP NO. 220

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA		I.O. 24007044
ORIGINAL	S&A				SHEET 1 OF 1 SHEET		P.T.S. NO. 515674
					FOR CITY ENGINEER	DATE	1830-6293 CCS 83 COORDINATES
							190-1733 LAMBERT COORDINATES
							39942-B
STATUS							

Passed by the Council of The City of San Diego on DEC 03 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 03 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

312073